

Notice of Allowability

Application No.

10/044,261

Examiner

John S. Chu

Applicant(s)

KITSON, PAUL

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/10/02 and 6/28/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/8/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claimed invention is drawn to the following:

1. A method for forming a multi-layer positive-working imageable element, the imageable element comprising:
 - a substrate comprising a hydrophilic surface;
 - an underlayer over the hydrophilic surface of the substrate; and
 - an imageable layer over the underlayer;the method comprising the steps of:
 - (a) coating an underlayer over a hydrophilic surface of a substrate;
 - (b) coating an imageable layer over the underlayer; and
 - (c) heating the imageable element at a temperature between about 130°C and about 200°C for a time sufficient to increase resistance of the imageable element to an alkaline developer and to decrease the white light sensitivity of the imageable element;in which:
 - the imageable element comprises a photothermal conversion material;
 - the imageable layer is ink receptive;
 - the imageable layer is insoluble in the alkaline developer;
 - the imageable layer comprises:
 - a first polymeric material, and
 - an o-diazonaphthoquinone containing material; and
 - the underlayer comprises a second polymeric material.

The claimed inventive step is found in step (c) wherein the imageable element is heated at a temperature of 130⁰ C to about 200⁰ C. The prior art references of record having the recited imageable layer comprising an o-diazonaphthoquinone and a first polymeric material fail to disclose the heat step after coating the imageable layer over the underlayer at the temperatures claimed.

HERTING et al discloses a heat-treating process wherein an exposed printing plate is heated by a burning in process wherein a printing plate is treated with an aqueous solution prior to said heating step. The heating step follows the imagewise exposure and development and contact with a treating solution. The reference to HERTING et al fail to disclose an underlayer as claimed.

STALHOFEN et al disclose a post exposure bake step at 90⁰ C ,which is outside the claimed heating step (c).

MOHR et al discloses an offset printing plate wherein a heating step is performed at 120⁰ C after the coating of the imageable layer over an underlayer. This reference fails to disclose the heating step (c) of about 130⁰ C to about 200⁰ C.

SHIMAZU et al and HAUCK et al disclose conventional thermally imageable printing plates wherein the imageable coating is heated at a temperature of 90⁰ C. These references disclose heating steps outside the claimed range.

Applicants have submitted references under Rule 1.97 and 1.98. Theses references have been fully considered, none of those cited references disclose the claimed heating step at the specified temperature of claim 1 step (c). EP-864,420 A1 (VAN DAMME et al) discloses a heating step following a coating step of an IR sensitive imageable layer wherein the element is heated at 120⁰ C. This fails to anticipate or render obvious the claimed invention.

Because none of the references of record disclose or render obvious the claimed method, claims 1-20 are seen as allowable and passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1752

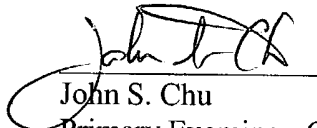
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John S. Chu
Primary Examiner, Group 1700

J.Chu
September 20, 2004